

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George Ayvazov on 8/6/2010.

The application has been amended as follows:

Regarding claim 1, in lines 20-21, "regulation means (114, 115, 180, 210, 212, 218, 220)" has been changed to --regulation means (114, 115)--.

Regarding claim 1, in line 23, "elastic element (106, 172)" has been changed to --elastic element (106)--.

Regarding claim 18, in line 21, "regulation means (114, 115, 180, 210, 212, 218, 220)" has been changed to --regulation means (114, 115)--.

Regarding claim 18, in lines 23-24, "elastic element (106, 172)" has been changed to --elastic element (106)--.

Claims 9, 19, 20-29 and 32 have been canceled.

### ***Election/Restrictions***

Claims 1 and 18 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 5 and 7 previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 8/10/2009 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### ***Allowable Subject Matter***

Claims 1, 3-8, 10, 13-18, 31, and 33 are allowed.

The following is an examiner's statement of reasons for allowance:

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Regarding claims 1, the prior art of record does not disclose or render obvious an assistance cylinder hydraulically connected between an upstream sending cylinder and a downstream receiving cylinder comprising a means of relevering the volume of fluid in both an upstream and a downstream chamber, and a regulation means wherein the regulation means is a cam mechanism which is driven by the axial movement of a piston and which regulates the assistance force produced by an elastic element during the disengagement phase.

Regarding claim 18, in addition to the reasons discussed above, the prior art of record does not disclose or render obvious an elastic assistance element wherein the axial dimension of the elastic assistance element in the relaxed states is less than the axial distance between the cup and the associate fixed abutment surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ichiba (US 5,970,817) discloses a brake operating device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRY CHAU whose telephone number is (571) 270-5926. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Le can be reached on (571)272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TERRY CHAU/  
Examiner, Art Unit 3655

/David D. Le/  
Supervisory Patent Examiner  
Art Unit 3655  
08/10/2010